

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

May 29, 2025

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees and counsel for the Ashton Plaintiffs ("Plaintiffs") write to object to the "letter-motion requesting leave to take fact discovery of Plaintiffs" filed by Defendant the Republic of the Sudan ("Sudan"), ECF No. 10969. Sudan's letter-motion is an improper diversion from the genuine issues that need to be prioritized at tomorrow's hearing.

Sudan failed to meet and confer with Plaintiffs before filing its application, even though it had ample opportunity to raise the issue during a conference call held at Plaintiffs' request on May 13, 2025. Sudan's letter-motion is, in turn, vague and imprecise as to the nature of the discovery it seeks to pursue, instead presenting ambiguous requests for authorization to conduct further document discovery of Plaintiffs, or to serve unspecified Interrogatories and Requests for Admission at some "appropriate time." Plaintiffs are gravely disadvantaged by Sudan's unfair lack of notice and clarity.

As the Court previously recognized, Plaintiffs have been subjected to layers of discovery from myriad other defendants. Plaintiffs already produced all documents in their possession relevant to Sudan's material support of al Qaeda and the 9/11 attacks. In contrast, Sudan has confirmed that effectively all relevant records in its government files are no longer available and will not be produced. *See* ECF No. 10967 at 2.

Under these circumstances, as set forth in Plaintiffs' May 23, 2025 status letter, *id.*, the first items of business the Court should address are Sudan's failure to produce relevant documents in response to Plaintiffs' discovery demands and Plaintiffs' spoliation motion.

To the extent the Court anticipates considering the substance of Sudan's letter-motion, Plaintiffs respectfully request that the Court set a schedule for briefing the issue. *See* Tr. (Feb. 4, 2025) at 34 (Sudan raised the prospect of "briefing Sudan's right to take discovery of plaintiffs").

The Honorable Sarah Netburn, U.S.M.J.
May 29, 2025
Page 2

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ Robert T. Haeefe
ROBERT T. HAEFELE
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
Tel.: (843) 216-9184
Email: rhaefe@motleyrice.com

*Liaison Counsel for the Plaintiffs' Executive
Committee for Personal Injury and Death
Claims on behalf of the Plaintiffs*

COZEN O'CONNOR

By: /s/ Sean P. Carter
SEAN P. CARTER
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, Pennsylvania 19103
Tel.: (215) 665-2105
Email: scarter@cozen.com
*Co-Chair for the Plaintiffs' Executive Committee for
Commercial Claims on behalf of Plaintiffs*

KREINDLER & KREINDLER LLP

By: /s/ Steven R. Pounian
STEVEN R. POUNIAN
485 Lexington Avenue
New York, New York 10017
Tel.: 212-687-8181
Email: spounian@kreindler.com

Attorneys for Ashton Plaintiffs

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF